

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

COMMERCIAL STREET EXPRESS LLC,
NICOLE VANDER MUELEN, SHASTA
BURZYNSKI, KATHLEEN COULLARD on
behalf of themselves and all others similarly
situated,

Plaintiffs,

V.

SARA LEE CORPORATION, COLGATE-
PALMOLIVE COMPANY, HENKEL CHEMIE
VERWALTUNGSGESELLSCHAFT MBH,
HENKEL CORP., UNILEVER N.V., UNILEVER
PLC, UNILEVER UNITED STATES INC.

Defendants.

No. 08 C 1179

JUDGE KENDALL

JURY DEMAND

MOTION TO MODIFY BRIEFING SCHEDULE

Plaintiffs, Commercial Street Express LLC, Nicole Vander Muelen, Shasta Burzynski, Kathleen Coullard, by and through their counsel, move to modify the briefing schedule on defendant Unilever United States, Inc.’s (“Unilever US”) motion to dismiss entered on March 26, 2008 [Docket 40]. In support Plaintiffs state as follows:

1. Plaintiffs filed an Amended Class Action Complaint on February 29, 2008 alleging, *inter alia*, that Defendants engaged in a contract, combination or conspiracy to fix the prices of oral, personal and home care products in violation of Section 1 of the Sherman Act (15 USC Section 1). These allegations are based in part on the admissions of the co-conspirators before the German Federal Cartel Office as reported in its press release stating that it had fined Defendants for price fixing and the admissions of some of the Defendants' co-conspirators

before the French Competition Council which described the nature, methodology of implementing and monitoring the conspiracy, and the amount of the price fix on Defendants' products.

2. Plaintiffs served Summonses and the Amended Complaint on all of the domestic Defendants. [Docket Nos. 11-14].

3. The Hague Convention procedures for service on the foreign Defendants are being invoked but are not yet completed.

4. Each domestic Defendant, except Unilever US, requested from Plaintiffs' counsel and was granted an extension to answer or otherwise plead up to and including May 5, 2008. Defendants Sara Lee, Corp., Colgate-Palmolive Co. and Henkel filed either agreed stipulations or a motion informing the Court of the unopposed extensions. See Docket Nos. 19, 24, and 31. This Court confirmed the extension until May 5, 2008, for each of those Defendants to answer or otherwise plead to the Amended Complaint. [Docket Nos. 22 and 32].

5. Defendant Unilever US filed a motion to dismiss the Amended Class Action Complaint on March 24, 2008. Plaintiffs anticipate that the other Defendants will be filing similar motions to dismiss not later than May 5, 2008.

6. Given the substantial extensions given to the co-Defendants of Unilever US, the nature of the conspiracy allegations in Plaintiffs' Amended Complaint, and in the interest of judicial efficiency, Plaintiffs respectfully request that briefing on Unilever US's motion to dismiss be extended and put on the same schedule which this Court will set on the similar motions to be filed not later than May 5, 2008 so that Plaintiffs can respond to all the Defendants' motions to dismiss in a cohesive and unified manner. More importantly, this approach will alleviate the need for this Court to handle separate piecemeal and duplicative motions. This request will not delay

these proceedings as the Court has set May 6, 2008 for a status hearing and can then set a comprehensive briefing schedule on all Defendants' motions.

Wherefore, Plaintiffs request that this Court vacate the current briefing schedule on the Unilever US Defendant's motion and reset it at the status hearing on May 6, 2008, along with the motions which will be filed on May 5, 2008.

Dated: March 27, 2008

COMMERCIAL STREET EXPRESS LLC,
NICOLE VANDER MUELEN, SHASTA
BURZYNSKI AND KATHLEEN COULLARD,
PLAINTIFFS

By: /s/ Lori A. Fanning

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